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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ALICE BOSSART & RAYMOND
9 BERRY, in pro per,

10 Plaintiffs,

11 v.

12 COUNTY OF KING, a subdivision of
13 the state of Washington,

14 Defendant.

CASE NO. 2:25-cv-00975-JNW

ORDER

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16 In response to Defendant King County's motion to dismiss, Plaintiffs Alice
17 Bossart and Raymond Berry filed an amended complaint. Dkt. No. 11. The County
18 filed a reply stating that its arguments apply with equal force to the amended
19 complaint. Dkt. No. 12. Plaintiffs then filed a sur-reply in the form of an "objection,"
20 arguing that their amended complaint mooted the County's motion to dismiss.
21 Dkt. No. 13.

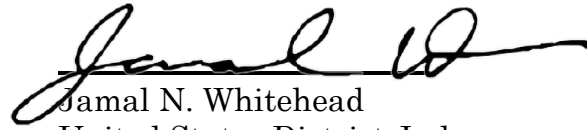
22 Generally, "an amended pleading supersedes the original pleading," *Ferdik v.*
23 *Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992), *as amended* (May 22, 1992), and the

1 filing of an amended complaint usually moots a pending motion to dismiss.
2 *Zimmerman v. PeaceHealth*, 701 F. Supp. 3d 1099, 1108 (W.D. Wash. 2023) (quoting
3 *Oliver v. Alcoa, Inc.*, No. 16-cv-0741-JLR, 2016 WL 4734310, at *2 n.3 (W.D. Wash.
4 Sept. 12, 2016)). However, if the amended complaint is substantially identical to the
5 initial complaint, the Court may rule on the initial motion to dismiss as applied to
6 the amended complaint. *Id.* “[D]efendants should not be required to file a new
7 motion to dismiss simply because an amended pleading was introduced while their
8 motion was pending.” *Id.* (quoting 6 Charles Alan Wright & Arthur R. Miller,
9 Federal Practice & Procedure § 1476 (3d ed. 1998) (Jul. 7, 2023 Update)). “Where
10 the new pleading contains some of the same defects raised in the original motion,
11 ‘the court simply may consider the motion as being addressed to the amended
12 pleading.’” *Id.* (quoting Federal Practice & Procedure § 1476).

13 Plaintiffs allege the same causes of action in their amended complaint, and
14 upon review, the amended complaint appears to be substantially identical to the
15 original. *Compare* Dkt. No. 1 *with* Dkt. No. 11. Accordingly, the Court will treat the
16 Government’s motion to dismiss as if it were directed to Plaintiffs’ amended
17 complaint. Because Plaintiffs are pro se, and because filing of an amended
18 complaint typically moots a motion to dismiss, the Court finds good cause to allow
19 Plaintiffs the opportunity to file a substantive response to the motion to dismiss.

20 Accordingly, the Court ORDERS that Plaintiffs’ deadline to respond to the
21 motion to dismiss at Dkt. No. 7 is extended to August 5, 2025, and the reply
22 deadline is extended to August 12, 2025. The Clerk is DIRECTED to RESET the
23 noting date for the motion to dismiss, Dkt. No. 7, to August 13, 2025.

Dated this 25th day of July, 2025.

A handwritten signature in black ink, appearing to read "Jamal N. Whitehead", written over a horizontal line.

Jamal N. Whitehead
United States District Judge